

SEP 21 2006

Serial No. 10/020,869
60130-1294; 00MRA0564

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: Dobson
Serial No.: 10/020,869
Filed: December 12, 2001
Group Art Unit: 3634
Examiner: Redman, Jerry E.
Title: VEHICLE DOOR

Mail Stop Appeal Brief- Patents
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

APPEAL BRIEF

Dear Sir:

This appeal brief is responsive to the Notification of Non-Compliant Appeal Brief mailed on September 14, 2006. Subsequent to the filing of the Notice of Appeal on April 24, 2006, Appellant hereby submits its brief. No additional fees are seen to be required as Applicant previously paid the Appeal Brief fee on June 22, 2006. If any additional fees are due, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds, P.C. for any additional fees or credit the account for any overpayment.

REAL PARTY IN INTEREST

The real party in interest is Meritor Light Vehicle Systems - France, the assignee of the entire right and interest in this Application.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

RECEIVED
CENTRAL FAX CENTER

SEP 21 2006

Serial No. 10/020,869
60130-1294; 00MRA0564**STATUS OF CLAIMS**

Claims 1, 2, 4-18 and 20-24 are pending in this application. Claims 1, 4, 5, 17 and 20-24 stand finally rejected under 103(a). Claims 2, 6-16 and 18 have been withdrawn.

STATUS OF AMENDMENTS

All amendments have been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

As shown in Figures 1 and 9, this invention relates to a vehicle door 10. The vehicle door 10 includes an outer door skin 13 and an inner door panel 27 defining a wet space on an interior of the vehicle door 10 (page 3, lines 7 to 10). The vehicle door 10 includes a manually actuatable element 16, 616 and a trim panel 12, 612 mounted adjacent the inner door panel 27. The trim panel 12, 612 has a vehicle interior side defining a dry space (page 3, lines 7 to 10 and page 3, line 28 to page 4, line 2). The entire trim panel 12, 612 is waterproof and defines a waterproof barrier between the wet space W and the dry space (page 4, lines 3 to 6). The vehicle door 10 also includes a seal arrangement H and 630 that seals the manually actuatable element 16, 616 relative to the trim panel 12, 612 to prevent moisture from passing to the vehicle interior side of the trim panel 12, 162 (page 10, lines 1 to 3 and lines 6 to 8). This basic structure is set forth in Claim 1.

Claim 4 depends on claim 20 and adds that the seal arrangement H and 630 includes a first seal 630 that seals the manually actuatable element 16, 616 to a bezel 640 and a second seal H that seals the bezel 640 to the trim panel 12, 612 (page 10, lines 1 to 3 and lines 6 to 8).

Claim 5 depends on claim 4 and recites that the manually actuatable element 16, 616, the bezel 640 and a portion of the seal arrangement 630 are provided as a subassembly 618, and the manually actuatable element 16, 616 is sealed to the bezel 640 by the portion of the seal arrangement 630 (page 9, lines 16 to 19 and page 10, lines 1 to 3).

Serial No. 10/020,869
60130-1294; 00MRA0564

Claim 24 depends on claim 1 and adds that the trim panel 12, 612 provides a complete waterproof barrier between the wet space W and the dry space of the vehicle door 10 (page 10, lines 1 to 3 and lines 6 to 8).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

A. Are Claims 1, 4, 5, 17 and 20-24 properly rejected under 35 U.S.C. 103(a) based on Queveau (EP 0579535) in view of Larabel (WO 01/14665)?

ARGUMENTS

A. Obviousness of claims 1, 4, 5, 17 and 20-24 based on Queveau in view of Larabel.

Obviousness of Claims 1, 17 and 20 to 23

Claims 1, 17 and 20-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Queveau (EP 0579535) in view of Larabel (WO Patent No. 01/14665). The Examiner states that Queveau does not disclose an O-shaped seal between a manually actuatable element and an opening in which the manually actuatable element is moved. The Examiner states that Larabel teaches an o-shaped seal which seals between a door panel and a projection into the door panel, and it would be obvious to provide Queveau with the elastic seal ring of Larabel since an elastic seal ring protects the interior space from the entry of air, water and other contaminants. Appellant respectfully disagrees.

The present invention is patentable and strikingly different from Queveau and Larabel. As described by the claims, the present invention provides a vehicle door including "a seal arrangement that seals the manually actuatable element relative to the trim panel to prevent moisture from passing to the vehicle interior side of the trim panel" and that "the entire trim panel is waterproof and defines a waterproof barrier between the wet spaced and the dry space." [See Claim 1]. Claims 1, 4, 5, 17 and 20-24 of the present invention all share these same or similar features. [See Claims 1, 4, 5, 17 and 20-24].

Claims 1, 17 and 20 to 23 are not obvious in view of Queveau and Larabel. Queveau discloses a vehicle door having an exterior panel 1 (which the Examiner is calling the vehicle door

Serial No. 10/020,869
60130-1294; 00MRA0564

assembly) including a window glass 5 that can be raised or lowered. The vehicle door also includes a support panel 3 (which the Examiner is calling the inner door panel) and a trim strip 4 (which the Examiner is calling the waterproof trim panel). It is not possible to provide a complete watertight seal between the window 5 and the exterior panel 1, and therefore water will flow into a door cavity 21.

The claimed invention is not obvious. First, Queveau does not disclose that the trim strip 4 defines a waterproof barrier between a wet space and a dry space as claimed. The support panel 3 acts as a waterproof barrier in the vehicle door. However, the support panel 3 is not a trim panel. The trim strip 4 is located on the dry side of the support panel 3, and therefore is located on the dry side of the waterproof barrier provided by the support panel 3. Because the trim strip 4 is on the dry side, there is no need for the trim strip 4 to define a waterproof barrier.

The claimed seal arrangement seals a manually actuatable element relative to a trim panel to prevent moisture from passing to a vehicle interior side of the trim panel. Even if a component was sealed to the trim strip 4 of Queveau, the seal arrangement would not prevent moisture from passing to the vehicle interior side of the trim strip 4 because there would be no moisture present. That is, the support panel 3 blocks the passage of moisture already, so there would be no moisture for the trim panel 4 to block. Because the trim strip 4 of Queveau does not act as a waterproof barrier, there is no reason to seal any component relative to the trim strip 4. The trim strip 4 only performs aesthetic functions. Therefore, the seal of Larabel would not provide any function in Queveau, and the claimed invention is not obvious.

In fact, the trim strip 4 is not waterproof and does not define a waterproof barrier because of the existence of a hole 44 that allows a cladding sheet of the support panel 3 to be exposed. The trim strip 4 includes several openings which receive grills 61 and 93, as further shown in the Figure. The grill 93 is for a loud speaker and is clipped on the support panel 3 (page 5, paragraph 1 of the translation), and the grill 61 is for an air duct 6 (page 4, paragraph 2 of the translation). Grills 61 and 93, by definition, include openings that would allow water to flow through the grills 61 and 93. The hole 44 and the grills 61 and 93 would not allow the entire trim strip 4 to provide a waterproof

Serial No. 10/020,869
60130-1294; 00MRA0564

barrier as claimed. Even if a seal was added, the trim strip 4 would not provide a waterproof barrier because of the holes 44 and the grills 61 and 93 in the trim strip 4. The claimed invention is not obvious.

The Examiner questioned the word "entire" as used with the trim panel. The claims recite that the entire trim panel is waterproof and "defines a waterproof barrier between the wet space and the dry space." The claims explain the meaning of "entire" trim panel in that it provides a waterproof barrier.

Larabel also does not disclose any waterproof panel. Therefore, the combination of the references together does not disclose, suggest or teach the claimed invention. The claimed invention is not obvious, and Appellant respectfully requests that the rejection be withdrawn.

Obviousness of Claim 4

The rejection of Claim 4 is separately contested from the rejection of claims 1, 17 and 20-23.

Claim 4 recites that the seal arrangement includes a first seal that seals the manually actuatable element and a second seal that seals the bezel to the trim panel. For the reasons set forth above, there is no reason to provide a first seal and a second seal with the trim strip 4. The trim strip 4 is on the dry side of the vehicle door where no moisture is present. Therefore, the seals would provide no function. The claimed invention is not obvious, and Appellant respectfully requests that the rejection be withdrawn.

Obviousness of Claim 5

The rejection of Claim 5 is separately contested from the rejection of claims 1, 17 and 20-23.

Claim 5 recites that the manually actuatable element, the bezel and a portion of the seal arrangement are provided as a subassembly, and the manually actuatable element is sealed to the bezel by the portion of the seal arrangement. For the reasons set forth above, there is no reason to provide a seal arrangement. The trim strip 4 is on the dry side of the vehicle door where no moisture is present.

SEP 21 2006

Serial No. 10/020,869
60130-1294; 00MRA0564

Therefore, the seal would provide no function. The claimed invention is not obvious, and Appellant respectfully requests that the rejection be withdrawn.

Obviousness of Claim 24

The rejection of Claim 24 is separately contested from the rejection of claims 1, 17 and 20-23. Claim 24 recites that the trim panel provides a complete waterproof barrier between the wet space and the dry space of the vehicle door. The claimed invention is not obvious. Because the trim strip 4 is on the dry side, there is no need for the trim strip 4 to define a waterproof barrier. Additionally, the trim strip 4 is not waterproof because of the existence of a hole 44 that allows a cladding sheet of the support panel 3 to be exposed. The trim strip 4 includes several openings which receive grills 61 and 93, as further shown in the Figure. The trim strip 4 is not waterproof, and there is not reason to provide seals with the trim strip 4 because the trim strip 4 is on the dry side. The claimed invention is not obvious.

CONCLUSION

For the reasons set forth above, the rejection of all claims is improper and should be reversed. Appellant respectfully requests such an action.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.



Karin H. Butchko
Registration No. 45,864
Attorney for Appellant
400 West Maple Road, Suite 350
Birmingham, Michigan 48009
(248) 988-8360

Dated: September 21, 2006

Serial No. 10/020,869
60130-1294; 00MRA0564

CERTIFICATE OF FACSIMILE

I hereby certify that this appeal brief is being facsimile transmitted to the United States Patent and Trademark Office, 571-273-8300 on September 21, 2006.


Amy M. Spaulding

SEP 21 2006

Serial No. 10/020,869
60130-1294; 00MRA0564

CLAIM APPENDIX

1. A vehicle door comprising:
 - an outer door skin and an inner door panel defining a wet space on an interior of the vehicle door;
 - a manually actuatable element;
 - a latch mechanism operable by the manually actuatable element;
 - a trim panel mounted adjacent the inner door panel, the trim panel having a vehicle interior side defining a dry space, wherein the entire trim panel is waterproof and defines a waterproof barrier between the wet space and the dry space; and
 - a seal arrangement that seals the manually actuatable element relative to the trim panel to prevent moisture from passing to the vehicle interior side of the trim panel.
4. The vehicle door according to Claim 20 wherein the seal arrangement includes a first seal that seals the manually actuatable element to the bezel and a second seal that seals the bezel to the trim panel.
5. The vehicle door according to Claim 4 wherein the manually actuatable element, the bezel and a portion of the seal arrangement are provided as a subassembly, wherein the manually actuatable element is sealed to the bezel by the portion of the seal arrangement.
17. The vehicle door according to claim 1 wherein the seal arrangement includes an o-ring.
20. The vehicle door according to Claim 1 wherein the manually actuatable element is located by a bezel, and the bezel is secured to the trim panel.

Serial No. 10/020,869
60130-1294; 00MRA0564

21. The vehicle door according to claim 1 wherein the inner door panel includes a hole that receives a portion of the manually actuatable element, and the hole allows the inner door panel to be water permeable.
22. The vehicle door according to claim 1 wherein the seal arrangement is elastic.
23. The vehicle door according to claim 1 wherein the inner door panel is water permeable.
24. The vehicle door according to claim 1 wherein the trim panel provides a complete waterproof barrier between the wet space and the dry space of the vehicle door.

Serial No. 10/020,869
60130-1294; 00MRA0564

EVIDENCE APPENDIX

None

THIS PAGE BLANK (USPTO)

Serial No. 10/020,869
60130-1294; 00MRA0564

RELATED PROCEEDINGS APPENDIX

None

THIS PAGE BLANK (USPTO)

N:\Clients\MERITOR\Files 1001 to 1500\NP01294\Patent\1294appealbrief2.doc